

**1. Requested Motion:**

**Meeting Date: November 15, 2010**

Approve Change Order No.12, to the North Estero Drainage Improvement project in the amount of \$30,085.33 to complete and final the installation of new seawalls at drainage beds #4 & #5.

**Why the action is necessary:**

Council must approve all purchases over \$25,000.00.

**What the action accomplishes:**

Allows for the completion of the replacement of existing seawalls that are very old and in poor condition.

**2. Agenda:**

☐ Consent  
☒ Administrative

**3. Requirement/Purpose:**

☐ Resolution  
☐ Ordinance  
☒ Other: Change Order

**4. Submitter of Information:**

☐ Council  
☒ Town Staff – Public Works  
☐ Town Attorney

**5. Background:**

As part of the North Estero Drainage Improvement Project, treatment areas 4 & 5 will be installed within the right-of-way on Matanzas Court. Both beds are adjacent to old and failing seawalls. Town Council approved the replacement of the seawalls with change order number 8, in the amount of \$67,100.00. It was determined during the installation of the seawalls that alternative construction methods would need to be utilized to protect the very old seawalls adjacent to the walls being replaced. It was also determined that the replacement work could not be accomplished without replacing between 5' – 8' of each of the adjacent seawalls. With approval of this change order the total cost of the seawall replacement at Matanzas Court is \$97,185.33. This work is eligible for funding within the grant received from South Florida Water Management District with the Town's match of 50% of the cost. All work has now been completed and inspected which will allow SUSI to move forward with the installation of drainage areas #4 & #5.



**6. Alternative Action:**

Do not approve

**7. Management Recommendations:**

Staff recommends the approval of this change order.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

**9. Council Action:**

☐ Approved    ☐ Denied    ☐ Deferred    ☐ Other



**PART E**  
**FMB:011 - CONSTRUCTION CONTRACT**  
**CHANGE ORDER**

No.: 12

(A Change Order requires approval by the Finance Director for expenditures under \$50,000, approval by the Town Manager for expenditures between \$50,000.01 and \$100,000, or approval by the Town Council for expenditures over \$100,000).

CONTRACT/PROJECT NAME: NORTH ESTERO BLVD. DRAINAGE IMPROVEMENTS PROJECT

CONTRACTOR: SOUTHWEST UTILITY SYSTEMS, INC. PROJECT NO.: 05-0722

CONTRACT NO.: CC-09-02-PW BID NO.: BD-09-02-PW

CHANGE REQUESTED BY: Richard T. Cowart, President DATE OF REQUEST: 10/21/10

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:  
*(If you need space other than what has been provided, please attach additional sheets.)*

Description: Additional Changes to Seawall Installation on Matanzas St

Purpose of Change Order: To change from 12' seawall w/ tiebacks to 20' cantilever wall and to also replace panels on the existing walls at the corners.

Attachments: (List documents supporting change) None.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price	Original Contract Time
<u>\$2,975,000.00</u>	<u>365</u> Calendar Days
Previous Change Order No. <u>1</u> to No. <u>11</u>	Net Change from previous Change Orders
<u>\$488,653.07</u>	<u>119</u> Calendar Days
Contract Price prior to this Change Order	Contract Time prior to this Change Order
<u>\$3,463,653.07</u>	<u>484</u> Calendar Days
Net Increase of this Change Order	Net Increase of this Change Order
<u>\$30,085.33</u>	<u>14</u> Calendar Days
Contract Price will all approved Change Orders	Contract Time with all approved Change Orders
<u>\$3,493,738.40</u>	<u>498</u> Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:  
 By: [Signature] 11/3/10  
 Consultant (if applicable) Date  
 By: [Signature] 11/4/10  
 Department Director Date

ACCEPTED  
 By: [Signature] A-Egy  
 Contractor  
 Date Accepted: 10/25/10

TOWN APPROVAL:  
 By: \_\_\_\_\_  
 Finance Director (Under \$25,000)  
 Date Approved: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Town Manager (Under \$25,000)  
 Date Approved: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Mayor, Town Council  
 (Over \$25,000)  
 Date Approved: \_\_\_\_\_

Contracts Management  
 APPROVED:  
 Town Attorney Date

(CORPORATE SEAL)

Change Order

Ft. Myers Beach

North Estero Blvd Drainage Improvements Project

CO Discription: Additional Changes to Seawall Replacement on  
Matanzas St at beds 4 and 5

Change Order #12 - Additional Seawall Changes				
Description	Qty	Unit	Unit Price	Total Cost
Original Seawall Installation	1	LS	\$61,000.00	\$61,000.00
Changes in Design to Seawall	1	LS	\$12,375.30	\$12,375.30
Change to replace additional panels at the corners where new seawall connects to old seawall.	1	LS	\$14,975.00	\$14,975.00
Sub Total Subcontractor Cost				\$88,350.30
Sub Total Cost				\$88,350.30
10% Markup				\$8,835.03
Total Cost				\$97,185.33
Deduct Change Order #8 (Original Seawall Change Order)				(\$67,100.00)
Total Change Order #12				\$30,085.33



# KELLY BROTHERS, INC.

15775 Pine Ridge Road • Fort Myers, FL 33908  
Phone: 239/482-7300 • Fax: 239/482-8014  
www.kellybros.net

June 11, 2010

Mr. Brett Eckenrode  
Southwest Utility System, Inc.  
16341 Old US 41 S,  
Fort Myers, FL 33912

Subject: Seawall Improvements at Matanzas Street,  
Fort Myers Beach, FL

Dear Mr. Eckenrode:

Kelly Brothers, Inc. proposes to furnish materials, labor, equipment, tools, consumables and superintendence to design, manufacture and install approximately 165 LF of seawall on your ongoing utility improvements on Matanzas Street in Fort Myers Beach, FL in accordance with your meetings and correspondence with Dane Kelly.

Our lump sum price is Sixty One Thousand Dollars (\$ 61,000.00)

The above lump sum price is based on the following:

- 1.0 New seawall will be built using 8" thick x 4'-0" wide x 12'-0 long concrete panels, with 12" x 20" concrete cap reinforced with 5-#5 horizontal continuous rebar and # 3 ties at 12" OC. Tiebacks will be #6 HDG x 10'-0" long steel bars connected to half CY of concrete deadman at 10'-0" on centers. Seawall Panel will have a minimum of 40% (of total length) penetration into the mud line.
- 2.0 All concrete will be 5000 PSI and reinforcing steel will Grade 60.
- 3.0 New seawall panels will be installed in front of the existing seawall and gap between new and old seawall will be filled with # 57 stone.
- 4.0 Cast in place closure pour to connect new seawall to existing is included.
- 5.0 KBI will provide blocks-outs for six (6) wall pipe penetrations; SUSI will install, seal and grout all pipe penetration openings after pipe installations.
- 6.0 KBI will provide signed and sealed construction drawings, SUSI will be responsible for acquisition (if required) of all permits from governmental agencies.

Trust you will find the above satisfactory to your requirements. Thank you for the opportunity to be of service.

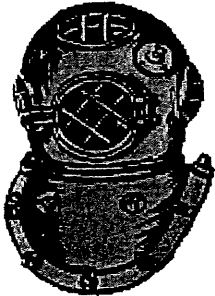
Very Truly Yours,  
Kelly Brothers, Inc.

Chris C. Bautista  
Project Manager

# Kelly Brothers, Inc

15775 Pine Ridge Road, Fort Myers, FL 33908

Phone: (239) 482-7300, Fax: (239) 482-8014



Title of Project:

Contractor:

Owner:

P.O. Number:

Original Contract Amount:

Total Prev Change Orders:

This Change Order:

Total Contract Cost to Date:

## CHANGE ORDER

Contract No. 960

Change Order # 1

North Estero Blvd Drainage

Improvements-2009

Kelly Brothers, Inc.

Southwest Utility Systems, Inc.

\$ 69,675.30

\$ -

\$ 3,700.00

\$ 73,375.30

Kelly Brothers, Inc. and Owner hereby agree to add/delete the below described work from the contract at the agreed upon price as outlined below. The Contractor will furnish all labor, supervision, material and equipment necessary to complete the work.

General description of change:

**Design change from a 12' seawall with tiebacks to a cantilever 20' seawall**

Attachments (Documents Supporting Change): Drawings, Specifications, Etc. if any

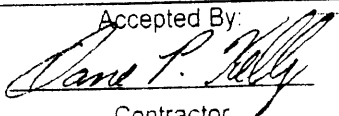
### FEE SCHEDULE

ADD/DELETE	QTY	TYPE/DESCRIPTION	UNIT COST	TOTAL
ADD	1	Design Change	\$ 3,700.00	\$ 3,700.00
CHANGE ORDER TOTAL				\$ 3,700.00

Special Provisions:

Contract Extension: 0 Calendar Days

New Contract Completion Date: 10/26/2010

Accepted By:  Contractor (Authorized Signature) Date: 10/18/2010
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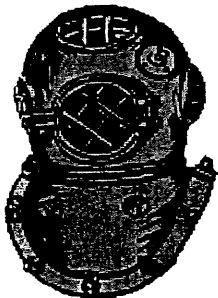
Recommended By: _____ Project/Construction Manger Date: _____
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Approval/Accepted By: _____ Owner Representative Date: _____
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## Kelly Brothers, Inc

15775 Pine Ridge Road, Fort Myers, FL 33908

Phone: (239) 482-7300, Fax: (239) 482-8014



Title of Project:

Contractor:

Owner:

P.O. Number:

## CHANGE ORDER

Contract No. 960

Change Order # 2

North Estero Blvd Drainage

Improvements-2009

Kelly Brothers, Inc.

Southwest Utility Systems, Inc.

Original Contract Amount:

\$ 69,675.30

Total Prev Change Orders:

\$ 3,700.00

This Change Order:

\$ 14,975.00

Total Contract Cost to Date:

\$ 88,350.30

Kelly Brothers, Inc. and Owner hereby agree to add/delete the below described work from the contract at the agreed upon price as outlined below. The Contractor will furnish all labor, supervision, material and equipment necessary to complete the work.

General description of change:

**Remove existing seawall in at least 3 locations, Install 3 5' x 8' precast panels,  
Install 6 closure pours, Replace cap**

Attachments (Documents Supporting Change): Drawings, Specifications, Etc. if any

### FEE SCHEDULE

ADD/DELETE	QTY	TYPE/DESCRIPTION	UNIT COST	TOTAL
ADD	1	Additional Work	\$ 14,975.00	\$ 14,975.00
CHANGE ORDER TOTAL			\$	14,975.00

Special Provisions:

Contract Extension: 14 Calendar Days

New Contract Completion Date: 11/9/2010

Accepted By:

Contractor  
(Authorized Signature)

Date: 10/18/2010

Recommended By:

Project/Construction Manager

Date:

Approval/Accepted By:

Owner Representative

Date: